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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,897	01/18/2005	John O. Gurosik	3961-040483	7143
28289	7590	11/20/2006	EXAMINER	
THE WEBB LAW FIRM, P.C. 700 KOPPERS BUILDING 436 SEVENTH AVENUE PITTSBURGH, PA 15219			FERGUSON, MICHAEL P	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 11/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/521,897

Applicant(s)

GUROSIK, JOHN O.

Examiner

Michael P. Ferguson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/06/06</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Objections

1. Claim 7 is objected to because of the following informalities:

Claim 7 (line 2) recites "first coupling element". It appears the applicant intended for it to recite --second coupling element--.

For the purpose of examining the application, it is assumed that appropriate correction has been made.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 19 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 19 and 20 recite the phrase "a box-like structure". The phrase "box-like" fails to clearly define the metes and bounds of the invention as it is unclear what elements are "box-like" and what elements are not. Claims 19 and 20 should recite --a box-shaped structure--.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Anderson et al. (US 4,663,922).

As to claim 1, Anderson et al. disclose a coupling apparatus, comprising:
a first coupling element **58** having a first end and a second end, including:
a mating surface **38** positioned between the first coupling element first end and the first coupling element second end;

a wedging surface **34** positioned on the first end of the first coupling element;
an engagement surface **36** positioned on the second end of the first coupling element; and

at least one alignment orifice **50**; and
a second coupling element **48** having a first end and a second end adapted to releasably attach to the first coupling element, including:

a mating surface **28** configured to abut the mating surface of the first coupling element;

at least one wedge member **24** positioned on the first end of the second coupling element and having a wedge member surface extending from the second coupling element mating surface configured to engage the wedging surface of the first coupling element, the wedge member having a distal end positioned lower than a wedge member proximal end;

at least one alignment member **40** extending from the second coupling element mating surface and configured to extend at least partially through the at least one alignment orifice; and

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a locking tab **26** extending from the mating surface and configured to abut the engagement surface at the second end of the first coupling element (Figures 5,6).

As to claim 2, Anderson et al. disclose a coupling apparatus wherein at least one of the wedging surface **34** of the first coupling element **58** and the wedge member surface of the second coupling element is formed as one of a substantially curved and a beveled shape (Figure 5).

As to claim 3, Anderson et al. disclose a coupling apparatus wherein the wedging surface **34** of the first coupling element **58** is configured to abut and mate with the wedge member surface **24** of the second coupling element **48** (Figure 6).

As to claim 4, Anderson et al. disclose a coupling apparatus wherein at least one of the wedging surface **34** of the first coupling element **58** and the wedge member surface **24** of the second coupling element **48** include a substantially planar segment (Figure 5).

As to claim 5, Anderson et al. disclose a coupling apparatus wherein the planar segment extends at an angle with respect to one of the mating surface **38** of the first coupling element **58** and the mating surface **28** of the second coupling element **48** (Figure 5).

As to claim 6, Anderson et al. disclose a coupling apparatus wherein at least one of the second end **36** of the first coupling element **58** and the second end **26** of the second coupling element **48** extends at an angle with respect to the respective one of the mating surface **38** of the first coupling element and the mating surface **28** of the second coupling element (Figure 5).

As to claim 7, Anderson et al. disclose a coupling apparatus wherein the at least one alignment member **40** extends at an angle with respect to the mating surface **28** of the second coupling element **48** (Figure 5).

As to claim 8, Anderson et al. disclose a coupling apparatus comprising a plurality of alignment members **40** located in a spaced apart position and extending from the mating surface **28** of the second coupling element **48** (Figure 5).

As to claim 9, Anderson et al. disclose a coupling apparatus wherein the at least one alignment member **40** includes at least one locking orifice **46** (Figure 5).

As to claim 10, Anderson et al. disclose a coupling apparatus comprising a locking pin **56** configured to engage the locking orifice **46** of the at least one alignment member **40** (Figure 6).

As to claim 11, Anderson et al. disclose a coupling apparatus wherein the locking pin **56** is a wedge member with at least one beveled surface and configured to be inserted at least partially through and frictionally engage the locking orifice **46** (Figure 6).

As to claim 12, Anderson et al. disclose a coupling apparatus wherein the locking tab **26** is a substantially square-shaped bar member attached on the second coupling element second end (Figure 5).

As to claim 13, Anderson et al. disclose a coupling apparatus wherein the engagement surface **36** of the first coupling element **58** is positioned at a bottom portion of a plate member forming the mating surface **38** of the first coupling element (Figure 5).

As to claim 14, Anderson et al. disclose a coupling apparatus wherein the alignment orifice **50** is in a substantially square-shaped form (Figure 5).

As to claim 15, Anderson et al. disclose a coupling apparatus wherein at least one of a top alignment orifice **50** surface and a bottom alignment orifice surface is beveled (Figure 5).

As to claim 16, Anderson et al. disclose a coupling apparatus wherein the alignment member **40** has a substantially curved distal end (Figure 5).

As to claim 17, Anderson et al. disclose a coupling apparatus comprising an attachment mechanism attached to a portion of at least one of the first coupling element **58** and the second coupling element **48** and configured to allow attachment of an object to the at least one of the first coupling element and the second coupling element (Figures 1,2).

As to claim 18, Anderson et al. disclose a coupling apparatus wherein the object is one of a locomotive mechanism, a bulldozer, a forklift, a backhoe, an earthmover, a truck, a machine, a tool, an implement and a device (Figures 1,2).

As to claim 19, Anderson et al. disclose a coupling apparatus wherein the first coupling element **58** is a box-shaped structure formed from a plurality of plate elements (Figure 5).

As to claim 20, Anderson et al. disclose a coupling apparatus wherein the second coupling element **48** is a box-shaped structure formed from a plurality of plate elements (Figure 5).

Conclusion

The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure. The following patents show the state of the art with respect to coupling apparatuses:

Nagler (US 5,350,250), Grist (US 4,100,688) and Toga System (WO 83/03629) are cited for pertaining to coupling apparatuses comprising a first coupling element comprising a wedging surface and an alignment orifice, and a second coupling element comprising a wedge member surface, an alignment member and a locking tab.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Ferguson whose telephone number is (571)272-7081. The examiner can normally be reached on M-F (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571)272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


MPF

11/13/06



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